



THE ATTORNEY GENERAL
OF TEXAS

JIM MATTON
ATTORNEY GENERAL

September 11, 1990

Mr. Robert H. Power
Attorney for City of Grapevine
1311 West Irving Boulevard
Irving, Texas 75061-7220

OR90-436

Dear Mr. Power:

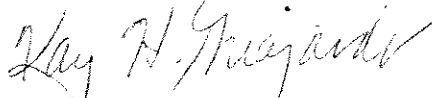
You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 9830.

The City of Grapevine received an open records request for "any and all copies, documents, resumes, records, etc. . . . addressing the credentials, accomplishments, [and] services" of the law firm that is currently representing the city in litigation against the Dallas/Fort Worth International Airport (hereinafter the airport). You contend that the requested materials come under the protection of section 3(a)(3) of the Open Records Act.

To secure the protection of section 3(a)(3), a governmental body must demonstrate that the requested material "relates" to pending or reasonably anticipated litigation. See Open Records Decision No. 323 (1982). The information at issue, which consists of broad descriptions of the law firm's experience in the negotiation and litigation of airport runway matters, was submitted to the Grapevine City Counsel in order to induce the city to hire the firm to represent it in anticipated litigation with the airport. These records, while generally outlining the law firm's previous accomplishments in other unrelated, albeit similar, controversies, do not contain any information about the existing controversy between the city and the airport. Nor do these documents in any way outline a proposed legal strategy for the city to follow during the litigation. Consequently, this office does not believe that the requested records "relate" to pending litigation to the extent necessary to bring them within the protection of section 3(a)(3). The records must, therefore, be released.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please refer to OR90-436.

Yours very truly,



Kay H. Guajardo
Assistant Attorney General
Opinion Committee

KHG/RWP/le

Ref.: ID# 9830

cc: Leslie L. Shelton
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